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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Livio Baldi, et al.

Title: **METHOD FOR FORMING STRUCTURES SELF-ALIGNED WITH EACH OTHER ON A SEMICONDUCTOR SUBSTRATE**

Application No.: 10/749,126

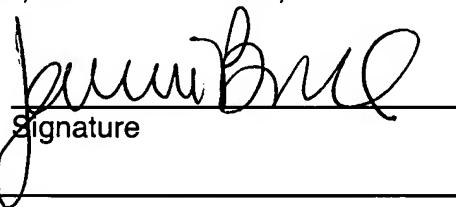
Filing Date: December 30, 2003

Group Art Unit: 2811

Attorney Docket No.: 2110-100-3

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3<sup>rd</sup> day of March, 2005.



Signature

### RESPONSE TO RESTRICTION REQUIREMENT

March 3, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In a Restriction Requirement mailed February 17, 2005, the Examiner restricted the claims into Group I consisting of claims 24-29 and Group II consisting of claims 1-23.

Applicants respectfully traverse the restriction requirement on the grounds that the Examiner can search and examine the entire application without serious burden. Although the Applicants traverse the restriction requirement as discussed below, they provisionally elect to prosecute Group II claims 1-23.

According to MPEP § 803, if the Examiner can search and examine the application without serious burden, then he/she must examine the application on the merits even though it includes claims to independent or distinct inventions. As discussed below, because claims 24-29 recite similar subject matter, the Examiner can perform a single search and examination that will cover all of the claims. Consequently, the Examiner can search and examine the application without serious burden, and, therefore, must examine all of the claims 1-29 together.

Because claims 24-29 and 1-23 respectively recite a semiconductor device and a method of manufacturing a semiconductor device the Examiner can perform a single search for all the claims. These claims recite related subject matter and thus examination of these claims will involve similar analyses. Therefore, it is only slightly more burdensome for the Examiner to search and examine claims 1-29 than it would be for him/her to search and examine the provisionally elected Group II. Consequently, because there is no serious burden on the Examiner to search and examine all of the claims 1-29, the restriction is improper. Therefore, the Examiner is requested to withdraw the restriction and examine all of the claims.

In the event any additional fee is due for this Response, you are hereby authorized to charge such payment to Deposit Account No. 07-1897. If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants attorney, Paul F. Rusyn, at (425) 455-5575.

DATED March 3, 2005.

Respectfully submitted,  
GRAYBEAL JACKSON HALEY LLP

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